

All correspondence referring to announcements and subscription of Government Gazette must be addressed to its Administration office. Literary publications will be advertised free of charge provided two copies are offered.

Toda a correspondência relativa a anúncios e à assinatura do *Boletim Oficial* deve ser dirigida à Administração da Imprensa Nacional. As publicações literárias de que se receberem dois exemplares anunciam-se gratuitamente.



## SUBSCRIPTION RATES — ASSINATURA

	YEARLY (Annual)	HALF-YEARLY (Semestral)	QUARTERLY (Trimestral)
All 3 series (As 3 séries)	Rs. 40/-	Rs. 24/-	Rs. 18/-
I Series	Rs. 20/-	Rs. 12/-	Rs. 9/-
II Series	Rs. 16/-	Rs. 10/-	Rs. 8/-
III Series	Rs. 20/-	Rs. 12/-	Rs. 9/-

Postage is to be added when delivered by mail —  
Acresce o porte quando remetido pelo correio

# GOVERNMENT GAZETTE

## BOLETIM OFICIAL

### GOVERNMENT OF GOA, DAMAN AND DIU

#### Special Department

#### Notification

OSD/RRVS/13/66

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of Home Affairs Notification No. F.1/29/68-GP dated the 29th June, 1968, the Administrator of Goa, Daman and Diu is pleased to make the following rules regulating the Recruitment of persons to Class I posts in the Public Works Department under the Government of Goa, Daman and Diu.

1. **Short title.** — These rules may be called Goa, Daman and Diu Administration, Public Works Department Class I (Gazetted) posts Recruitment Rules, 1969.

2. **Application.** — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.** — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Central Government from time to time; and
- no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. **Power to relax.** — Where the Administrator is of the opinion that it is necessary or expedient so to do, he may, by order, for reasons to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of these rules in respect of any category of persons/ posts.

6. These rules shall come into effect from the date of their publication and will relate to appointments to the various posts made on or after this date.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. K. Bhanot  
Chief Secretary

Panaji, 19th February, 1969.  
30th Magha, 1890.

**SCHEDULE**

Name of the post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruitments will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment, by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made	If a DPC exists, what is its composition	Circumstances in which U. P. S. C. is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
1. Superintending Engineer /Superintending Surveyor of Works	Two	General Central Service Class I Gazetted	Rs. 700-40-1100-50/2-1250, plus a special pay of Rs. 100/- per month	Non Selection	Not Applicable	Not applicable.	Not Applicable	2 years	By promotion.	<i>Promotion:</i> Executive Engineers/Surveyor of Works possessing a degree in Civil Engineering.	Class I Departmental Promotion Committee	As required under the Union Public Service Commission (Exemption from Consultation) Regulations, 1958.
2. Executive Engineer/Surveyor of Works	8	General Central Service Class I Gazetted	Rs. 700-40-1100-50/2-1250	Selection	40 years and below. (Relaxable for Govt. servants)	<i>Essential:</i> i) Degree in Civil Engineering of a recognised University or equivalent. ii) About 7 years experience as Civil Engineer in Class I and Class II posts, or posts carrying equivalent responsibilities, out of which 4 years should be as Assistant Executive Engineer or in posts carrying equivalent responsibilities.  (Qualifications relaxable at Commission's discretion in case of candidates otherwise well qualified).	Age: No Qualifications: Yes	2 years	By promotion failing which by transfer on deputation and failing both by direct recruitment.	<i>Promotion:</i> i) Assistant Executive Engineer (Soil Conservation) with 5 years service in the grade. ii) Assistant Engineer /Assistant Surveyor of Works with 8 years service in the grade.  <i>Transfer on deputation:</i> Officers of the rank of Executive Engineer, failing which Assistant Executive Engineers with 5 years service in the grade, from the Central/State Public Works Departments.  (Period of deputation — ordinarily not exceeding 3 years).	Class I Departmental Promotion Committee	As required under the Union Public Service Commission (Exemption from Consultation) Regulations, 1958.
3. Executive Engineer (Mech./Elect)	1	General Central Service Class I Gazetted	Rs. 700-40-1100-50/2-1250	Selection	40 years and below. (Relaxable for Govt. servants)	<i>Essential:</i> i) Degree in Mechanical/Electrical Engineering of a recognised University or equivalent.	Age: No Qualifications: Yes	2 years	By promotion failing which by transfer on deputation and failing both by direct recruitment.	<i>Promotion:</i> Assistant Engineer (Mech./Elect.) with 8 years service in the grade in the Public Works Department.	Class I Departmental Promotion Committee	As required under the Union Public Service Commission (Exemption from

Consultation) Regulations, 1958.

Transfer on deputation:

Officers of the rank of Executive Engineer, failing which Assistant Executive Engineers with 5 years service in the grade, from the Central/State Public Works Departments.

(Period of deputation — ordinarily not exceeding 3 years).

ii) About 7 years experience as Mechanical/Electrical Engineer in Class I and Class II posts, or posts, carrying equivalent responsibilities out of which 4 years should be as Assistant Executive Engineer or in posts carrying equivalent responsibilities. (Qualifications relaxable at Commission's discretion in case of candidates otherwise well qualified).

## Notification

OSD/RRVS/29/67

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter no. F.7(11)/62-Goa dated the 25th July 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to the recruitment to the Class IV posts of Laboratory Attendant and Grading Attendant in the Office of the Registrar of Cooperative Societies under the Government of Goa, Daman and Diu.

1. **Short title.** — These rules may be called Goa Government, Office of the Registrar of Cooperative Societies Class IV posts Recruitment Rules, 1969.

2. **Application.** — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.** — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

(a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time; and

(b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date.

G. K. Bhanot  
Chief Secretary

Panaji, 19th February, 1969.  
30th Magha, 1890.

## SCHEDULE

Name of the post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruitments will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment, by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made	If a DPC exists, U. P. S. C. what is to be consulted in its composition making recruitment	Circumstances in which U. P. S. C. is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
1. Laboratory Attendant	One	Class IV	Rs. 75-1-80-EB-1-85.	N. A.	18 to 25 years	Middle Class or equivalent.	N. A.	Two years	By direct recruitment.	N. A.	N. A.	As required under the rules.
2. Grading Attendant	Four	Do	Do	Do	Do	Do	Do	Do	Do	Do	Do	Do

## MEMO

SPL-EST-8065(1)

The following Notification from Government of India, Ministry of Home Affairs, is hereby republished for information.

D. V. Sawant, Under Secretary (Appointments).

Panaji, 9th April, 1969.

19th Chtr., 1891.

## GOVERNMENT OF INDIA

## MINISTRY OF HOME AFFAIRS

New Delhi-1, the 20th March, 1969  
29th Phalgun, 1890

## Notification

7/15/63-AIS(II)

## The All India Services (Discipline and Appeal) Rules, 1969

G. S. R. — In exercise of the powers conferred by sub-Section (1) of Section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Government of the States concerned, hereby makes the following rules, namely:—

1. **Short title and commencement.**— (1) These rules may be called the All India Services (Discipline and Appeal) Rules, 1969 —

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.**— In these rules, unless the context otherwise requires —

(a) 'Commission' means the Union Public Service Commission;

(b) 'disciplinary authority' means the authority competent under these rules to impose on a member of the service any of the penalties specified in rule 6;

'Government' means —

(i) in the case of a member of the Service serving in connection with the affairs of the Union or with a Union Territory or serving under a foreign Government or outside India (whether on duty or on leave), the Central Government; or

(ii) in the case of a member of the service serving in connection with the affairs of a State, the Government of that State.

**Explanation:**— A member of the Service whose services are placed at the disposal of any company, corporation, organization or any local authority by the Central Government or the Government of a State shall, for the purpose of this clause, be deemed to be a member of the Service serving in connection with the affairs of the Union or the affairs of that State, as the case may be, notwithstanding that his salary is drawn from sources other than the Consolidated Fund of the Union or of that State;

(d) 'member of the Service' means a member of an All India Service as defined in section 2 of the All India Services Act, 1951 (61 of 1951) and includes a member of a former Secretary of State's Service, who is now a member of the IAS by virtue of

clauses (a) and (b) of sub-rule (1) of Rule 3 of the Indian Administrative Service (Recruitment) Rules, 1954 or a member of the Indian Police Service by virtue of clause (a) of sub-rule (1) of Rule 3 of the Indian Police Service (Recruitment) Rules, 1954;

(c) 'State Government concerned' in relation to a joint cadre, means the Governments of all the States for which the joint cadre is constituted and includes the Government of a State nominated by the Governments of all such States to represent them in relation to a particular matter.

## PART II

### Suspension

#### 3. Suspension during disciplinary proceedings. —

(1) If, having regard to the nature of the charges and the circumstances in any case, the Government which initiates any disciplinary proceedings is satisfied that it is necessary or desirable to place under suspension the member of the Service against whom such proceedings are started, that Government may —

(a) if the member of the Service is serving under it, pass an order placing him under suspension, or

(b) if the member of the Service is serving under another Government, request that Government to place him under suspension, pending the conclusion of the inquiry and the passing of the final order in the case:

Provided that, in cases where there is a difference of opinion between two State Governments, the matter shall be referred to the Central Government for its decision.

(2) A member of the Service, who is detained in official custody whether on a criminal charge or otherwise for a period longer than forty-eight hours, shall be deemed to have been suspended by the Government concerned under this rule.

(3) A member of the Service in respect of, or against, whom an investigation, inquiry or trial relating to a criminal charge is pending may, at the discretion of the Government under which he is serving, be placed under suspension until the termination of all proceedings relating to that charge, if the charge is connected with his position as a Government servant or is likely to embarrass him in the discharge of his duties or involves moral turpitude.

(4) A member of the Service shall be deemed to have been placed under suspension with effect from the date of conviction of, in the event of conviction for a criminal offence, he is not forthwith dismissed or removed or compulsorily retired consequent on which conviction, provided that the conviction carries a sentence of imprisonment exceeding forty-eight hours.

(5) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a member of the service under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(6) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a member of the service is set aside or declared or rendered void in consequence of or by a decision of a court of law, and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the member of the Service shall be deemed to have been placed under suspension by the Central Government from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(7) (a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so;

(b) Where a member of the Service is suspended or is deemed to have been suspended, whether in connection with any disciplinary proceeding or otherwise, and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the member of the Service shall continue to be under suspension with the termination of all or any of such proceedings;

(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order.

#### 4. Subsistence allowance during suspension. — (1)

A member of the Service who is placed under suspension shall, during the period of such suspension, be entitled to receive payment from the Government, under whom he was serving at the time of suspension, as a subsistence allowance an amount equal to the leave salary which he would have drawn under the leave rules applicable to him if he had been on leave on half pay or on half average pay:

Provided that, where the period of suspension exceeds twelve months, it shall be within the competence of the suspending authority to increase or reduce the amount of subsistence allowance for any period subsequent to the period of the first twelve months, subject to the following conditions, namely: —

(i) the amount of subsistence allowance may be increased by a suitable amount, not exceeding fifty per cent of the subsistence allowance drawn during the period of the first twelve months, if, in the opinion of the suspending authority, the period of suspension has been prolonged for reasons not directly attributable to the member of the Service;

(ii) the amount of subsistence allowance may be reduced by a suitable amount, not exceeding fifty per cent of the subsistence allowance drawn during the period of the first twelve months, if, in the opinion of the suspending authority, the prolongation of the period of suspension has been due to reasons directly attributable to the member of the Service;

Provided further that, in addition to the subsistence allowance, the Government may direct, to such

extent and subject to such conditions as it thinks fit, the payment of —

(i) any compensatory allowance admissible from time to time on the basis of pay, of which the member of the service was in receipt on the date of suspension, or that may be subsequently sanctioned; and

(ii) dearness allowance not exceeding the amount admissible as such, had he been on leave on leave salary equal to the rate of subsistence allowance payable from time to time.

(2) No member of the Service shall be entitled to receive payment under sub-rule (1) unless he furnishes a certificate that he is not engaged in any other employment, business, profession or vocation.

(3) The authority to grant subsistence allowance shall be the suspending authority.

**5. Pay, allowances and treatment of service on reinstatement.** — (1) When a member of the Service, who has been dismissed, removed, compulsorily retired or suspended is reinstated or would have been reinstated but for his retirement on superannuation while under suspension, the authority competent to order the reinstatement shall consider and make order as to —

(a) the pay and allowances which shall be paid to the member of the Service for the period of his absence from duty or for the period of suspension ending with the date of his retirement on superannuation as the case may be; and

(b) whether or not the said period shall be treated as a period spent on duty.

(2) (a) Where such competent authority holds that the member of the Service has been fully exonerated or, in the case of suspension, that it was unjustifiable, the member of the Service shall be granted the full pay to which he would have been entitled, had he not been dismissed, removed, compulsory retired or suspended, as the case may be, together with any allowance of which he was in receipt immediately prior to his dismissal, removal, compulsory retirement or suspension, or may have been sanctioned subsequently and made applicable to all members of the Service.

(b) In all other cases, the member of the Service shall be granted such proportion of such pay and allowance as such competent authority may direct:

Provided that the payment of allowances under this sub-rule shall be subject to all other conditions subject to which such allowances are admissible;

Provided further that the pay and allowances granted under this clause shall not be less than the subsistence and other allowances admissible under rule 4.

(3) (a) In a case falling under clause (a) of sub-rule (2), the period of absence from duty shall for all purposes be treated as a period spent on duty.

(b) In a case falling under clause (b) of sub-rule (2), the period of absence from duty shall not be treated as a period spent on duty unless the competent authority specifically directs, for reasons to be recorded in writing, that it shall be so treated for any specific purpose.

### PART III

#### Penalties and disciplinary authorities

**6. Penalties.** — (1) The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a member of the Service, namely: —

##### Minor Penalties:

(i) censure;

(ii) withholding of promotions;

(iii) recovery from pay of the whole, or part, of any pecuniary loss caused to Government by negligence or breach of orders;

(iv) withholding of increments of pay;

##### Major Penalties:

(v) reduction to a lower stage in the time scale of pay for a specified period with further directions as to whether or not the member of the Service will earn increments during the period of reduction and whether, on the expiry of such period, the reduction will or will not have the effect of postponing future increments of his pay;

(vi) reduction to a lower time scale of pay grade or post which shall ordinarily be a bar to promotion of the member of the Service to the time scale of pay, grade or post from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post from which the member of the Service was reduced and his seniority and pay on such restoration to that grade or post;

(vii) compulsory retirement;

Provided that, if the circumstances of the case so warrant, the authority imposing the penalty may direct that the retirement benefits admissible to the member of the Service under the All India Services (Death-cum-Retirement Benefits) Rules, 1958, shall be paid at such reduced scale as may not be less than two-thirds of the appropriate scales indicated in Schedule 'A' and 'B' of the said rules.

(viii) removal from Service which shall not be a disqualification for future employment under the Government;

(ix) dismissal from Service which shall ordinarily be a disqualification for future employment under the Government.

**Explanation:** The following shall not amount to a penalty within the meaning of this rule; namely: —

(i) withholding of increments of pay of a member of the Service for failure to pass a departmental examination in accordance with the rules or orders governing the service;

(ii) stoppage of a member of the Service at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar;

(iii) non-promotion of a member of the Service, whether in a substantive or officiating capacity, after due consideration of his case to a post or grade to which promotions are made by selection;

(iv) reversion of a member of the Service officiating in a higher grade or post to which promotions are made by selection, to a lower grade or post after a period of trial not exceeding



three years on the ground that he is considered unsuitable for such higher grade or post, or on any administrative ground unconnected with his conduct;

(v) reversion of a member of the Service, appointed on probation to the Service, to State Service, during or at the end of the period of probation, in accordance with the terms of appointment or the rules and orders governing such probation;

(vi) replacement of the services of a member of the Service whose services have been borrowed from a State Government at the disposal of the State Government concerned;

(vii) compulsory retirement of a member of the Service under the provisions of the All India Services (Death-cum-Retirement Benefit) Rules, 1958;

(viii) termination of the service of a member of the Service, appointed on probation, during or at the end of the period of probation, in accordance with the terms of the service or the rules and orders governing such probation;

(2) The penalty of compulsory retirement shall not be imposed on a member of the former Secretary of State's Services, referred to in clause (d) of rule 2.

**7. Authority to institute proceedings and to impose penalty.** — (1) Where a member of the Service has committed any act or omission which renders him liable to any penalty specified in rule 6 —

(a) if such act or omission was committed before his appointment to the service, the Government, under whom he is for the time being serving, shall alone be competent to institute disciplinary proceedings against him and, subject to the provisions of sub-rule (2), to impose on him such penalty specified in rule 6 as it thinks fit;

(b) if such act or omission was committed after his appointment to the service, the Government under whom such member was serving at the time of the commission of such act or omission, shall alone be competent to institute disciplinary proceedings against him and, subject to the provisions of Sub-rule (2), to impose on him such penalty specified in rule 6 as it thinks fit and the Government, under whom he is serving at the time of the institution of such proceedings, shall be bound to render all reasonable facilities to the Government instituting and conducting such proceedings.

*Explanation:* In the event of reorganisation of a State, if such act or omission was committed while the officer was serving in connection with the affairs of the State, the Government, on whose cadre he is borne after reorganisation of the State, shall alone be competent to institute disciplinary proceedings against him and, subject to the provisions of sub-rule (2), to impose on him such penalty specified in rule 6 as it thinks fit.

(2) The penalty of dismissal, removal or compulsory retirement shall not be imposed on a member of the Service except by an order of the Central Government.

(3) Where the punishing Government is not the Government, on whose cadre the member is borne, the latter Government shall be consulted before any penalty specified in rule 6 is imposed;

Provided that where the Governments concerned are the Central Government and the State Government or two State Governments and there is a difference of opinion between the said Governments in respect of any matter referred to in this rule, the matter shall be referred to the Central Government for its decision, which shall be passed in consultation with the Commission.

#### PART IV

##### Procedure for imposing penalties

**8. Procedure for imposing major penalties.** — (1) No order imposing any of the major penalties specified in rule 6 shall be made except after an inquiry is held, as far as may be, in the manner provided in this rule and rule 10, or, provided by the Public Servants (Inquiries) Act, 1850 (37 of 1850) where such inquiry is held under that Act.

(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a member of the Service, it may appoint under this rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof.

(3) Where a Board is appointed as the inquiring authority it shall consist of not less than two senior officers provided that atleast one member of such a board shall be an officer of the service to which the member of the Service belongs.

(4) Where it is proposed to hold an inquiry against a member of the Service this rule and/or rule 10, the disciplinary authority shall draw up or cause to be drawn up —

i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge;

ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain —

(a) a statement of all relevant facts including any admission or confession made by the member of the Service;

(b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.

(5) The disciplinary authority shall deliver or cause to be delivered to the member of the Service a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained and shall require the member of the Service to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.

(6) (a) On receipt of the written statement of defence, the disciplinary authority may appoint, under sub-rule (2), an inquiring authority for the purpose of inquiring into such of the articles of charge as are not admitted, and, where all the articles of charge have been admitted by the member of the Service in his written statement of defence, the disciplinary authority shall record its finding on each

charge and shall act in the manner laid down in rule 9.

(b) if no written statement of defence is submitted by the member of the Service, the disciplinary authority may, if it considers it necessary to do so, appoint, under sub-rule (2), an inquiring authority for the purpose.

(c) where the disciplinary authority appoints an inquiring authority for holding an inquiry into such charge, it may, by an order, appoint a Government servant or a legal practitioner, to be known as the «Presenting Officer» to present on its behalf the case in support of the articles of charge.

(7) The disciplinary authority shall forward the inquiring authority —

(i) a copy of the articles of charge and the statement of imputations of misconduct or misbehaviour;

(ii) a copy of the written statement of defence if any, submitted by the member of the Service;

(iii) a copy of the statement of witnesses, if any, referred to in sub-rule (4);

(iv) evidence proving the delivery of the documents referred to in sub-rule (4) to the member of the Service; and

(v) a copy of the order appointing the «Presenting Officer».

(8) The member of the Service shall be required to appear in person before the inquiring authority at any time prescribed after the expiry of ten working days from the date of receipt of the articles of charge and the statement of imputations of misconduct or misbehaviour, or within such further time, not exceeding ten days, as the inquiring authority may allow.

(9) The member of the Service may take the assistance of any other Government servant to present the case on his behalf, but may not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner, or, the disciplinary authority, having regard to the circumstances of the case, so permits.

(10) If the member of the Service who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence appears before the inquiring authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the member of the Service thereon.

(11) The inquiring authority shall return a finding of guilt in respect of these articles of charge to which the member of the Service pleads guilty.

(12) The inquiring authority shall, if the member of the Service fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date, not exceeding thirty days, after recording an order that the member of the Service may, for the purpose of preparing his defence;

(i) inspect, within five days of the order or, within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in sub-rule (4);

(ii) submit a list of witnesses to be examined on his behalf;

*Note: —* If the member of the Service applies orally or in writing for the supply of copies of the statement of witnesses mentioned in the list referred to in sub-rule (4), the inquiring authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.

(iii) give a notice within ten days of the order or, within such further time not exceeding ten days as the inquiring authority may allow, for the discovery or production of any documents which are in the possession of Government but not mentioned in the list referred to in sub-rule (4).

*Note: —* The member of the Service shall indicate the relevance of the documents required by him to be discovered or produced by the Government.

(13) The inquiring authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept with a requisition for the production of the document by such date as may be specified in such requisition;

Provided that the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

(14) On receipt of the requisition referred to in sub-rule (13), every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority;

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied, for reasons to be recorded by it in writing, that the production of all or any of such documents would be against the public interest or security of the State, it shall inform the inquiring authority accordingly and the inquiring authority shall, on being so informed, communicate the information to the member of the Service and withdraw the requisition made by it for the production or discovery of such documents.

(15) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by, or on behalf of, the disciplinary authority. The witnesses shall be examined by, or on behalf of, the Presenting Officer and may be cross-examined by, or on behalf of, the member of the Service. The Presenting Officer shall be entitled to re-examine the witnesses on any points, on which they have been cross-examined, but not on any new matter, without the leave of the inquiry authority. The inquiring authority may also put such questions to the witnesses as it thinks fit.

(16) If it shall appear necessary before the close of the case on behalf of the disciplinary authority,



the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the member of the Service or may itself call for new evidence or recall and re-examine any witness and, in such case, the member of the Service shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give to the member of the Service an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the member of the Service to produce new evidence, if it is of opinion that the production of such evidence is necessary in the interests of justice.

*Note:* — New evidence shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

(17) When the case for the disciplinary authority is closed, the member of the Service shall be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the member of the Service shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.

(18) The evidence on behalf of the member of the Service shall then be produced. The member of the Service may examine himself in his own behalf if he so prefers. The witnesses produced by the member of the Service shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provisions applicable to the witnesses for the disciplinary authority.

(19) The inquiring authority may, after the member of the Service closes his case, and shall, if the member of the Service has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the member of the Service to explain any circumstances appearing in the evidence against him.

(20) The inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, if any appointed, and the member of the Service or permit them to file written briefs of their respective cases, if they so desire.

(21) If the member of the Service, to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this rule, the inquiring authority may hold the inquiry *ex-parte*.

(22) (a) Where a State Government which has caused to be inquired into the articles of any charge and, having regard to its decision on any of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in clauses (vii) to (ix) of rule 6 should be imposed on the

member of the Service, the State Government shall forward the records of the inquiry to the Central Government suggesting imposition of the penalties specified in clauses (vii) to (ix) of rule 6.

(b) The Central Government may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interest of justice, recall the witness and examine, cross-examine and re-examine such witnesses. If the Central Government do not find justification for imposing one of the penalties specified in clauses (vii) to (ix) of rule 6 in a case referred to it by a State Government, then it shall refer it back to the State Government.

(23) Whenever an inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry, ceases to exercise jurisdiction therein and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself.

Provided that, if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it may recall, examine, cross-examine and re-examine any such witness as hereinbefore provided.

(24) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain —

(a) the articles of charge and the statement of imputations of misconduct or misbehaviour;

(b) the defence of the member of the Service in respect of each article of charge;

(c) an assessment of the evidence in respect of each article of charge; and

(d) the findings on each article of charge and the reasons therefor.

*Explanation:* — If in the opinion of the inquiring authority the proceedings of the inquiry establish any article of charge different from the original articles of charge, it may record its finding on such article of charge:

Provided that the findings on such article of charge shall not be recorded unless the member of the Service has either admitted the facts on which such articles of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

(ii) The inquiring authority shall forward to the disciplinary authority the records of inquiry which shall include —

(a) the report prepared by it under clause (i);

(b) the written statement of defence, if any, submitted by the member of the Service;

(c) the oral and documentary evidence produced in the course of the inquiry;

(d) written briefs, if any, filed by the Presenting Officer or the member of the Service or both during the course of the inquiry; and

(e) the orders, if any made by the disciplinary authority and the inquiring authority in regard to the inquiry.

**9. Action on the inquiry report.** — (1) The disciplinary authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report, and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of rule 8 as far as may be.

(2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

(3) If the disciplinary authority, having regard to its findings on all or any of the articles of charge, is of the opinion that any of the penalties specified in clauses (i) to (iv) of rule 6 should be imposed on the member of the Service, it shall notwithstanding anything contained in rule 10, make an order imposing such penalty:

Provided that, in every case, the record of the inquiry shall be forwarded by the disciplinary authority to the Commission for its advice and such advice shall be taken into consideration before making any order imposing any penalty on the member of the Service.

(4) (i) If the disciplinary authority, having regard to its findings on all or any of the articles of charge, is of the opinion that any of the penalties specified in clauses (v) to (ix) of rule 6 should be imposed on the member of the Service, it shall —

(a) furnish to the member of the Service a copy of the report of such authority and a statement of its findings on each article of charge, together with brief reasons for its disagreement, if any, with the findings of the inquiring authority;

(b) give the member of the Service a notice stating the penalty proposed to be imposed on him and calling upon him to submit within fifteen days of the receipt of the notice or such further time, not exceeding fifteen days as may be allowed, such representation as he may wish to make on the proposed penalty on the basis of the evidence adduced during the inquiry held under rule 8.

(ii) (a) in every case, the record of the inquiry, together with a copy of the notice given under clause (i) and the representation made in pursuance of such notice, if any, shall be forwarded by the disciplinary authority to the Commission for its advice;

(b) the disciplinary authority shall, after considering the representation, if any, made by the member of the Service, and the advice given by the Commission, determine what penalty, if any, should be imposed on the member of the Service and make such order as it may deem fit.

**10. Procedure for imposing minor penalties.** — (1) Subject to the provision of sub-rule (3) of rule 9, no order imposing on a member of the Service any of the penalties specified in clauses (i) to (iv) of rule 6 shall be made except after —

(a) informing the member of the Service in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour

on which it is proposed to be taken and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;

(b) holding an inquiry, in the manner laid down in sub-rules (4) to (23) of rule 8, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;

(c) taking the representation, if any submitted by the member of the Service under clause (a), and the record of inquiry, if any, held under clause (b) into consideration;

(d) recording a finding on each imputation of misconduct or misbehaviour; and

(e) consulting the Commission.

(2) The record of proceedings in such cases shall include —

(i) a copy of the intimation to the member of the Service of the proposal to take action against him;

(ii) a copy of the statement of imputations of misconduct or misbehaviour delivered to him;

(iii) his representation, if any;

(iv) the evidence produced during the inquiry;

(v) the advice of the Commission;

(vi) the findings on each imputation of misconduct or misbehaviour; and

(vii) the orders on the case together with the reasons therefor.

**11. Cases of difference of opinion to be referred to Central Government.** — When there is any difference of opinion between a State Government and the Commission on any matter covered by these rules, such matter shall be referred to the Central Government for its decision.

**12. Communication of orders.** — Orders made by the disciplinary authority shall be communicated to the member of the Service who shall also be supplied with a copy of the report of the inquiring authority and a statement of the finding of the disciplinary authority, together with brief reasons for its disagreements, if any, with the findings of the inquiring authority (unless they have already been supplied to him) and also a copy of the advice, if any given by the Commission and, where the disciplinary authority has not accepted the advice of the Commission, a brief statement of the reasons for such non-acceptance.

**13. Common proceedings.** — Where two or more members of the Service are concerned in any case, the Government may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

**14. Special procedure in certain cases.** — Notwithstanding anything contained in rule 8 to 12 —

(i) where any penalty is imposed on a member of the Service on the ground of conduct which has led to his conviction on a criminal charge; or

(ii) where the disciplinary authority is satisfied, for reasons to be recorded by it in writing,

that it is not reasonably practicable to hold an inquiry in the manner provided in these rules; or

(iii) where the President is satisfied that, in the interest of the security of the State, it is not expedient to hold an inquiry in the manner provided in these rules, the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit:

Provided that the Commission be consulted where any orders are made in any case under this rule.

#### PART V

#### Appeals

**15. Orders against which no appeal lies.**—(1) Notwithstanding anything contained in this part, no appeal shall lie against:—

- (i) any order made by the President;
- (ii) any order of an interlocutory nature or of the nature of step-in-aid for the final disposal of a disciplinary proceeding, other than an order of suspension;
- (iii) any order passed by an inquiring authority in the course of inquiry under rule 8;
- (iv) any order by a competent authority withholding an appeal under rule 23.

(2) Nothing in clauses (i) and (iv) of sub-rule (1) shall be deemed to affect or abridge the right of a member of the Service to submit a memorial to the President under, and in accordance with, the provisions of rule 26.

**16. Orders against which appeal lies.**—(1) Subject to the provisions of rule 15 and the explanations to rule 6, a member of the Service may prefer an appeal to the Central Government against all or any of the following orders, namely:—

- (i) an order of suspension made or deemed to have been made under rule 3;
- (ii) an order passed by a State Government imposing any of the penalties specified in rule 6;
- (iii) an order of a State Government which—
  - (a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by rules applicable to him; or
  - (b) interprete to his disadvantage the provisions of any such rule; or
  - (c) has the effect of superseding him in promotion to a selection post;
  - (iv) an order of the State Government—
    - (a) stopping him at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar; or
    - (b) reverting him while officiating in a higher grade or post to a lower grade or post, otherwise than as a penalty; or
    - (c) reducing or withholding the pension or denying the maximum pension admissible to him under the rules; or

(d) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof; or

(e) determining his pay and allowances—

- (i) for the period of suspension, or
- (ii) from the date dismissal, removal or compulsory retirement from service, or from the date of reduction to a lower grade, post, time-scale of pay or stage in a time-scale of pay, to the date of reinstatement or restoration to be paid to him on his reinstatement or restoration; or

(f) determining whether or not the period from the date of suspension or from the date of dismissal, removal, compulsory retirement or reduction to a lower grade, post, time scale of pay or stage in a time scale of pay, to the date of his reinstatement or restoration shall be treated as a period spent on duty for any purpose.

*Explanation:*— In this rule—

- (i) the expression 'member of the Service' includes a person who has ceased to be in Government service;
- (ii) the expression 'pension' includes additional pension, gratuity and any other retirement benefit.

**17. Period of limitation of appeals.**—No appeal preferred under these rules shall be entertained unless such appeal is preferred within a period of forty-five days from the date on which a copy of the order appealed against is delivered to the appellant:

Provided that the appellate authority may entertain the appeal after the expiry of the said period if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

**18. Form and content of appeal.**—(1) Every member preferring an appeal shall do so separately and in his own name.

(2) Every appeal preferred under these rules shall be addressed to the Secretary to the Government of India in the Ministry of Home Affairs and shall—

- (a) contain all material statements and arguments relied on by the appellant;
- (b) contain no disrespectful or improper language; and
- (c) be complete in itself.

(3) Every such appeal shall be submitted through the head of the office under whom the appellant is for the time being serving and through the Government from whose order the appeal is preferred.

(4) The authority which made the order appealed against shall, on receipt of a copy of every appeal which is not withheld under rule 22, forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidable delay and without waiting for any direction from the Central Government.

**19. Consideration of Appeal.** — (1) In the case of an appeal against an order of the State Government imposing any penalty specified in rule 6, the Central Government shall consider —

(a) whether the procedure laid down in these rules has been complied with, and, if not, whether such non-compliance has resulted in violation of any provision of the Constitution of India or in the failure of justice;

(b) whether the findings of the disciplinary authority are warranted by the evidence on record; and

(c) whether the penalty imposed is adequate, inadequate or severe;

and pass orders —

(i) confirming, enhancing, reducing, or setting aside the penalty; or

(ii) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case:

Provided that —

(i) the Commission shall be consulted in all such cases where such consultation is necessary;

(ii) if the enhanced penalty which the Central Government proposes to impose is one of the penalties specified in clause (v) to (ix) of rule 6 and an inquiry under rule 8 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 14, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of rule 8 and thereafter, on a consideration of the proceedings of such inquiry and after giving the appellant a reasonable opportunity, as far as may be in accordance with the provisions of sub-rule (4) of rule 9, of making representation against the penalty proposed on the basis of the evidence adduced during such inquiry, make such orders as it may deem fit;

(iii) if the enhanced penalty which the Central Government proposes to impose is one of the penalties specified in clauses (v) to (ix) or rule 6 and an inquiry under rule 8 has already been held in the case, the Central Government shall, after giving the appellant a reasonable opportunity as far as may be in accordance with the provisions of sub-rule (4) of rule 9, of making representations against the penalty proposed on the basis of the evidence adduced during the inquiry, make such orders as it may deem fit; and

(iv) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be in accordance with the provisions of rule 10, of making representation against such enhanced penalty.

(2) In an appeal against any other order specified in rule 16 the Central Government shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

**20. Implementation of orders on appeal.** — Every order passed by the Central Government in appeal under any of the relevant provisions of these rules

shall be final and the State Government concerned shall forthwith give effect to such order.

**21. Circumstances in which appeals may be withheld.** — (1) The State Government, from whose order an appeal is preferred, may withhold the appeal if —

(a) it is an appeal in a case in which under these rules there is no right of appeal, or

(b) it does not comply with the provisions of rule 18, or

(c) it is not preferred within forty-five days after the date on which the orders appealed against were received by the appellant and no reasonable cause is shown for the delay, or

(d) it is a repetition of a previous appeal which has already been decided and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case.

(2) In every case in which an appeal is withheld, the appellant shall be informed of the fact and the reasons therefor.

(3) An appeal withheld on account only of failure to comply with the provisions of rule 18 may be resubmitted at any time within one month of the date on which the appellant has been informed of the withholding of the appeal, and, if resubmitted in a form which complies with the said provisions, shall not be withheld.

**22. List of appeals withheld.** — The State Government shall forward to the Central Government on the first day of January and July every year a list of appeals to the Central Government withheld by them under rule 21 during the preceding six months together with the reasons for withholding the same.

**23. Appellate authority may call for any appeal withheld.** — The Central Government may call for any appeal which has been withheld by any State Government under rule 22, deal with it in the manner laid down in rule 19 and pass such orders thereon as the Central Government thinks fit.

## PART VI

### Review and memorials

**24. Review.** — (1) Notwithstanding anything contained in these rules, the Central Government or the State Government concerned, as the case may be, may at any time not exceeding 6 months from the date of the order passed in appeal, if an appeal has been preferred, and where no such appeal had been preferred within one year of the original order which gives the cause of action, either on its own motion or otherwise call for the records of any order relating to suspension or any inquiry and review any order made under these rules or under the rules repealed by rule 30 from which an appeal is allowed but from which no appeal has been preferred or from which no appeal is allowed, after consultation with the Commission where such consultation is necessary, and may:

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or

(d) pass such orders as it may deem fit;

Provided that no order imposing or enhancing any penalty shall be made unless the member of the service concerned has been given a reasonable opportunity or making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (v) to (ix) of rule 6 or to enhance the penalty imposed by the order sought to be reviewed to any of the penalties specified in these clauses, no such penalty shall be imposed except after an inquiry in the manner laid down in rule 8 and after giving a reasonable opportunity to the member of the Service concerned to show cause against the penalty proposed on the evidence adduced during such inquiry and except after consultation with the Commission;

Provided further that where the original order was passed by the Central Government or the State Government concerned, as the case may be, after consultation with the Commission, it shall not be revised except after consultation with the Commission.

(2) No proceeding for review shall be commenced until after —

(i) the expiry of the period of limitation for an appeal, or

(ii) the disposal of the appeal, where any such appeal has been preferred.

(3) An application for review shall be dealt with in the same manner as if it were an appeal under these rules.

**25. Memorials.** — (1) A member of the Service shall be entitled to submit a memorial to the President against any order of the Central Government or the State Government by which he is aggrieved within a period of three years from the date of the passing of such order.

(2) Every such memorial shall be authenticated by the signature of the memorialist and submitted by the memorialist on his own behalf.

(3) Every memorial submitted under these rules shall —

(a) contain all material statements and arguments relied upon by the memorialist;

(b) contain no disrespectful or improper language;

(c) be complete in itself; and

(d) end with a specific prayer.

(4) If the memorial is against the orders of a State Government, it should be submitted through the State Government concerned and if the memorial is against the orders of the Central Government, it shall be submitted through the Ministry or the appropriate authority in the Central Government

under whom the member of the Service is for the time being serving.

(5) A memorial forwarded under sub-rule (4) shall be accompanied by a concise statement of facts material thereto and, unless there are special reasons to the contrary, with an expression of opinion thereon —

(a) of the State Government concerned, or

(b) of the Ministry or the appropriate authority in the Central Government under whom the member of the Service is for the time being serving, or

(c) of both.

(6) The authority against whose orders a memorial is submitted under this rule shall give effect to any order passed thereon by the President.

**26. Forwarding of advance copies.** — In cases where an appeal is preferred or a memorial is submitted under these rules, the appellant or the memorialist, as the case may be, may, if he so desires, forward an advance copy to the appellate authority in the case of an appeal or to the President of India in the case of a memorial.

## PART VII

### Miscellaneous

**27. Service of orders, notices etc.** — Every order, notice and other process made or issued under these rules shall be served in person on the member of the Service concerned or communicated to him by registered post.

**28. Power to relax time limit and condone delay.** — Save as otherwise expressly provided in these rules, the Central Government or the State Government, as the case may be, may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these rules for anything required to be done under these rules or condone any delay.

**29. Supply of Copy of Commission's advice.** — Whenever the Commission is consulted as provided in these rules, a copy of the advice by the Commission and, where such advice has not been accepted, also a brief statement of the reasons for such non-acceptance, shall be furnished to the member of the Service concerned alongwith a copy of the order passed in the case.

**30. Repeal and Saving.** — (1) The All India Services (Discipline and Appeal) Rules, 1955, are hereby repealed:

Provided that —

(a) such repeal shall not affect the previous operation of the said rules, or anything done, or any action taken, thereunder;

(b) any proceedings under the said rules, pending at the commencement of these rules shall be continued and disposed of, as far as may be, in accordance, with the provisions of these rules, as if such proceedings were proceedings under these rules.

(2) Nothing in these rules shall be construed as depriving any person to whom these rules apply of



any right of appeal which had accrued to him under the rules hereby repealed (hereinafter referred to as the repealed rules).

(3) An appeal pending at the commencement of these rules against any order made before such commencement under the repealed rules shall be considered and order thereon shall be made, in accordance with these rules, as if such orders were made and the appeal was preferred under these rules.

(4) As from the commencement of these rules any appeal or application for review against any order made before such commencement under the repealed Rules shall be preferred or made under these rules, as if such orders were made under these rules;

Provided that nothing in these rules shall be construed as reducing any period of limitation for any appeal or review provided by the repealed Rules.

**31. Removal of doubts.**—Where a doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Central Government for its decision.

M. C. NARASIMHAN

Deputy Secretary to the Government of India

Home Department 'A'

#### Notification

HD-25-17409/68-A

In exercise of the powers conferred by section 21 of the Motor Vehicles Act, 1939, as extension to the Union Territory of Goa, Daman and Diu and all other powers enabling him in that behalf, the Lt. Governor of Goa, Daman and Diu hereby makes the following rules so as to amend Goa, Daman and Diu Motor Vehicles Rules, 1965, namely:—

**1. Short title and commencement.**—(1) These rules may be called the Goa, Daman and Diu Motor Vehicles (Eight Amendment) Rules, 1968.

(2) They shall come into force at once.

**2. Amendment of Rules 2.1.**—In Sub-rule (1) of Rule 2.1 of the Goa, Daman and Diu Motor Vehicles Rules, 1965, after the words "the Director of Transport, Panaji" and before the words "in relation to Goa area" the words "or the Assistant Director of Transport, Panaji" shall be inserted.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. B. Deshpande, Under Secretary (Home).

Panaji, 27th March, 1969.

#### Notification

HD-25-2319/68-A

In exercise of the powers conferred by section 68 of the Motor Vehicles Act, 1939 (4 of 1939) and all other powers hereunto enabling him in that behalf the Lt. Governor of Goa, Daman and Diu hereby

makes the following rules so as to amend the Goa, Daman and Diu Tourist Vehicles Rules, 1967, namely:

**1. Short title and commencement.**—(1) These rules may be called the Goa, Daman and Diu Tourist Vehicles (Second Amendment) Rules, 1968.

(2) They shall come into force at once.

**2. Deletion of Rule 6 in the Goa, Daman and Diu Tourist Vehicles Rules, 1967.**—Rule 6 of the Goa, Daman and Diu Tourist Vehicles Rules, 1967 shall be deleted.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. B. Deshpande, Under Secretary (Home).

Panaji, 31st March, 1969.

Finance (Control) Department

#### Notification

Fin(Control)/12-2/66/Vol. II/(Part II)

In exercise of the powers conferred by sub-section (3) of section 47 of the Government of Union Territories Act, 1963 (20 of 1963), I, the Administrator of Goa, Daman and Diu, with the approval of the President, hereby make the following rules to amend the Consolidated Fund of the Union Territory of Goa, Daman and Diu Rules, 1963, namely:

**1. (1)** These rules may be called the Consolidated Fund of the Union Territory of Goa, Daman and Diu, (Amendment) Rules, 1969.

(2) They shall come into force on the date of their publication in the Official Gazette of the Union Territory of Goa, Daman and Diu.

**2. For rule 2 of the Consolidated Fund of the Union Territory of Goa, Daman and Diu Rules, 1963, the following rule shall be substituted, namely:—**

"2. The custody of the Consolidated Fund of the Union Territory of Goa, Daman and Diu, the payment of moneys into the said Fund, the withdrawal of moneys therefrom and all other matters connected with or, ancillary to, matters aforesaid shall be regulated by the rules for the time being applicable in relation to the custody of the Consolidated Fund of India, the payment of moneys into that Fund, the withdrawal of moneys therefrom and all matters connected with or ancillary thereto subject to the modification that references to Government in the said rules shall be construed, in relation to the Consolidated Fund of the Union Territory of Goa, Daman and Diu, as references to the Administrator of that Union Territory".

Nakul Sen

Administrator of Goa, Daman and Diu

Panaji, 31st March, 1969.

Chaitra 10, 1891 (Saka).



## Law and Judicial Department

## Notification

LD/2-46-N-1/69

The Goa, Daman and Diu Supplementary Appropriation, Act, 1969 (Act No. 2 of 1969) which has been assented to by the President of India on 25th March, 1969, is hereby published for general information of the public.

V. R. Vaze, Under Secretary.

Panaji, 9th April, 1969.

19th Chaitra, 1891.

### THE GOA, DAMAN AND DIU SUPPLEMENTARY APPROPRIATION ACT 1969

(Act No. 2 of 1969) [25th March, 1969]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the services and purposes of the financial year 1968-69.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the twentieth year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Goa, Daman and Diu Supplementary Appropriation Act, 1969.

2. **Issue of Rs. 1,88,59,000 out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the financial year 1968-69.**—From and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu there may be paid and applied sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate to the sum one crore, eightyeight lakhs and fifty-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1968-69 in respect of the services and purposes specified in column 2 of the Schedule.

3. **Appropriation.**—The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu, by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

#### THE SCHEDULE (See Sections 2 & 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the Union territory of Goa, Daman and Diu	Total
		Rs.	Rs.	Rs.
1	2	3	4	5
4	Sales Tax ...	36,300	—	36,300
7	Registration Fees ...	1,18,000	—	1,18,000

1	2	3.	4	5
		Rs.	Rs.	Rs.
—	Interest on Debt and Other Obligations.	—	22,81,000	22,81,000
9	General Administration ...	6,85,000	17,800	7,02,800
12	Police ...	7,23,000	—	7,23,000
15	Education ...	27,26,700	—	27,26,700
22	Community Development Projects, National Extension Service and Local Development Works ...	4,96,000	—	4,96,000
26	Electricity Schemes.	1,000	—	1,000
27	Public Works ...	22,06,000	—	22,06,000
31	Pensions and Other Retirement Benefits ...	2,94,000	—	2,94,000
34	Miscellaneous ...	2,56,200	—	2,56,200
37	Capital Outlay on Schemes of Agricultural Improvement and Research ...	2,51,000	—	2,51,000
46	Capital Outlay on Schemes of Government Trading.	87,65,000	—	87,65,000
—	Public Debt...	—	2,000	2,000
TOTAL ...		1,65,58,200	23,00,800	1,88,59,000

## Food and Civil Supplies Department

## Public Works Department

Principal Engineer's Office

## ORDER

PWD/1387/100/69

Head:—Letters Nos. PWD/495/69, dated 12-2-69 and No. PWD/ND/950/69, dated 18-3-69, from the Executive Engineer, Works Division VII, Daman.

The existing Water Supply Bye-Laws approved by "Portaria" No. 6802, dated 10-12-56, published in supplement to Government Gazette No. 49 Series I, dated 10-12-1956, is now made applicable to regulate all the matters connected with the exploration of the Water Supply Systems of Daman and Diu.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

B. R. Naique, Principal Engineer, P.W.D. and Ex-officio Addl. Secretary to the Govt.

Panaji, 5th April, 1969.

Chaitra 15, 1891 (Saka).

## Labour and Information Department

## Mormugao Port Trust

## Notification

MPT/IGA (E.682-I)/69

As required under Section 124(2) of the Major Port Trusts Act, 1963, the following amendment to the Mormugao Port Employees' (Pension and Gratuity) Regulations, 1966 adopted by the Board of Trustees is hereby published:—

Insert the following as Clause (f) to Regulation 49 in Section VII of the Mormugao Port Employees' (Pension and Gratuity) Regulations, 1966 published in Official Gazette Nos. 13, 14 and 49, Series I dated 30-6-1966, 7-7-1966 and 10-3-1967 respectively.

"(f) In respect of employees retiring from service on or after 1-8-1968, the term 'Emoluments' means the amount which the em-

ployee was receiving immediately before retirement, and shall include:—

- (i) pay, other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre, and
- (ii) technical pay, special pay and personal pay, and
- (iii) any other emoluments which may specially be classed as pay by the appropriate authority".

By order,

*Shivakumar Dhindaw*  
Secretary

Mormugao, 1st April, 1969.